

REGARDING PETITIONS FOR MODIFICATION OF SPECIAL EXCEPTIONS

PLEASE TAKE NOTICE

Effective immediately, all parties who make submissions, after an initial filing, in **Special Exception**, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purposes of this requirement, a party includes:

1. Counsel of record who have formally entered their appearance;
2. Any person to whom the Board has granted Intervener status and;
3. The Applicant, Petitioner or Appellant in the case.
4. **Parties who submit any document of more than 20 pages should number the pages of such documents clearly and consecutively.**

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY, MARYLAND**

**INSTRUCTIONS FOR FILING PETITION TO MODIFY A SPECIAL EXCEPTION
(Please Read Carefully)**

1. **Address correspondence to: Chairman, Board of Appeals for Montgomery County, Stella B. Werner Council Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850 (Telephone number: 240-777-6600)**
2. **At the time of filing an application, the correct fee must be paid in accordance with the current schedule of fees adopted by the Montgomery County Council. Checks or money orders should be made payable to Montgomery County, Maryland. Cash cannot be accepted. No application will be accepted by the office unless it contains all pertinent information and is accompanied by the required filing fee.**

**DATA TO ACCOMPANY PETITION FOR MODIFICATION OF SPECIAL EXCEPTION
(Section 59-A-4.22, Montgomery County Code 1994, as amended)**

Each Petition for Special Exception must be accompanied at the time of its filing by eight (8) copies of all documents that include:

1. Survey plats, or other accurate drawings, showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
 2. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition.
 3. Statement explaining in detail how the special exception is proposed to be operated, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved, and any special conditions or limitations which the Applicant proposes for adoption by the Board.
 4. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening and any exterior illumination proposed.
 5. An original certified copy of official zoning vicinity map of 1,000 foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. Purchase maps from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland, (Phone: 301-495-4610). **The complete, original map (as issued by M-NCPPC) and three (3) copies must accompany the petition.**
 6. If Petitioner is not the owner of the property involved, lease, rental agreement, or contract to purchase by which Petitioner's legal right to prosecute the petition is established.
 7. Applicable master plan maps reflecting proposed land use, zoning, and transportation, together with any other portions of the applicable master plan deemed pertinent by the Petitioner. (Available at M-NCPPC, 8787 Georgia Avenue, Silver Spring.)
 8. Except a petition for telecommunications facility, a preliminary forest conservation plan prepared under Chapter 22A or a confirmation that the inventory is not required under Chapter 22A-5.
 9. An approved natural resources inventory prepared in accordance with the technical manual adopted by the Planning Board or a confirmation that the inventory is not required under Chapter 22A-5.
- ** Applications for telecommunications facilities see additional requirements in Section 59-A-4.22(13).**
10. A preliminary and/or final water quality plan if the property lies in a special protection area subject to the provisions of Chapter 19 of the Code.
 11. All additional exhibits which the Petitioner intends to introduce.
 12. Summary of what the Petitioner intends to prove, including the names of Petitioner's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the Petitioner's case.
 13. A listing of the names and mailing addresses of the adjoining and confronting property owners (see Section 59-A-4.46) who are entitled to notice of the filing. This information is available from the State Department of Assessments and Taxation, 30 West Gude Drive, Suite 400, Rockville, Maryland, 20850, (Phone: 240-314-4510). Please also list any local citizens associations and any municipality or special taxing district within which the property is located. Please use BOA Form 5.

IMPORTANT

It is suggested that Petitioner, before preparing the petition, read carefully Sections 59-A-4.1, 59-A-4.2 and 59-G-1.2 of the Zoning Ordinance and the particular subsection pertaining to the use desired.

Special Exception petitions require that a Board of Appeals' sign be posted on the property within three (3) days after the application is accepted by the office. A deposit for the sign of \$220 is required: \$110 will be refunded to the Applicant when the sign is returned.

Docket No. ____ S- ____
 Date Filed ____
 Hearing Date ____
 Time ____

**BOARD OF APPEALS
 FOR
 MONTGOMERY COUNTY, MARYLAND
 (240) 777-6600**

PETITION TO MODIFY SPECIAL EXCEPTION UNDER ZONING ORDINANCE

(Please note instructions on reverse side)

(PLEASE PRINT)

Petition is hereby made for a special exception under the Zoning Ordinance for the Montgomery-Washington Regional District in Montgomery County, Maryland (Chap. 59, Mont. Co. Code 1994, as amended) as follows:

Petitioner(s) _____

Property to be used: Lot _____ Block _____ Subdivision _____

Street Address. _____ City _____ State _____ Zip _____

Zone Classification _____ Tax Account No. _____

Proposed Use _____

Zoning Ordinance subsection providing for proposed use: Sec 59-G-2. _____

(in accordance with sections 59-G-1 through 59-G-2)

Owner of property: Name _____

Address _____

Petitioner's present legal interest in above property: (check one)

☐ Owner (including joint ownership) ☐ Lessee ☐ Tenant other than lessee ☐ Contract Purchaser

☐ Other (Describe) _____

Has any previous application for a special exception involving this property been made to the Board of Appeals, by this Petitioner, or by anyone else to this Petitioner's knowledge? _____

If so, give Case Number(s): _____

I have read the instructions on the reverse side of this form, and am filing herewith all of the required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Signature of Attorney - ***(Please print next to signature)***

Signature of Petitioner(s) - ***(Please print next to signature)***

Address of Attorney _____

Address of Petitioner(s) _____

Telephone Number _____

Home Telephone Number _____

Work Telephone Number _____

Special Exception Annual Billing Information *(Please Print)*

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

(OVER)

Board of Appeals for Montgomery County, Maryland

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS

(Please see information on reverse side)

[illegible]

**REGARDING NOTICE OF PUBLIC HEARINGS BEFORE
THE BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND**

Section 59-7.5.2.E of the Zoning Ordinance, Montgomery County Code, 2004, as amended, requires that notice of public hearing be mailed to "...all abutting and confronting property owners, civic and homeowners associations within ½ mile, any municipality within 1/2/ mile, and pre-submittal meeting attendees if applicable. A condominium's council of unit owners may be notified instead of the owner and residents of each individual condominium."

It is the responsibility of applicant(s) to supply the names and addresses of all such owners as shown on the current State Department of Assessment and Taxation records, and to list those persons on the reverse side of this form. The tax office is located at 30 West Gude Drive, Suite 400, Rockville, MD, 20850, Phone: 240-314-4510.

Instructions for Adjoining and Confronting Property Owners

Website for the Maryland State Department of Assessment and Taxation

www.dat.state.md.us
(Phone: 240-314-4510)

Real Property Data Search

- (1) Select Montgomery County**
- (2) Select Street Address**

- **Enter Street Name**
- **Click on the SEARCH button.**
- **Review property addresses for those that share a common boundary and any property that faces your lot.**